

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Pretreatment Annual Report for the 2013 Reporting Year
DATE: 12-12-13

FROM: EPA Region III

TO: POTW Pretreatment Program Managers

NOTE: CLARIFYING CHANGES MADE TO THE 2012 REPORT GUIDANCE HAVE BEEN HIGHLIGHTED IN BOLD. PLEASE READ CAREFULLY.

POTWs that are implementing pretreatment programs must submit an annual report to both EPA and the state as required by their NPDES permits. Only one copy of the report is required, but the report must cover all significant industrial users that discharge to your treatment plant(s). For example, some POTWs have pretreatment programs that are operated, in part, by a second or third municipality or agency. While these "outside" agencies regulate industrial users within a given area, the discharge ultimately is received at your treatment plant, and must therefore be included in your annual report. One annual report should be submitted which compiles the pretreatment information for all implementing agencies and all treatment plants operated by the POTW. It is the POTW's responsibility to oversee the activities of the "outside" agency and to be aware of the control document issuance and the compliance status of these industrial users. Note that for Pennsylvania POTWs, the submission to PADEP must be included in the Chapter 94 report, but the submission to EPA only needs to include the pretreatment report and does not need to include the entire Chapter 94 report. **In addition, the report need not include data such as trip blanks, QA/QC data, chain of custody forms, or industrial user sampling results.**

Annual report guidance has been developed for POTWs for which EPA remains the Approval Authority. The report consists of two parts: the Pretreatment Performance Summary and attachments, which includes reporting on specific information on the implementation of the program, and program developments which include reporting on toxics monitoring, program changes, and other developments. Please read the instructions carefully for completion of the annual report. We are again asking that the listing of significant and categorical users include the user's full address. In addition, the report should specifically address any brine wastes (oil and gas drilling wastes) received at the POTW, including brine wastes that are discharged to centralized waste treaters that discharge to the POTW (see instructions for Part B Item I.3).

The annual report guidance addresses all of the streamlining changes to the General

Pretreatment Regulations published in the *Federal Register* on October 14, 2005. Note that most of these changes require EPA approval of legal authority and/or other program modifications before implementation is allowed. While POTWs may choose whether they want to implement many of the streamlining revisions, where a POTW has not revised its approved program to provide the authority to implement the changes, implementation by the POTW may be a violation of its NPDES permit since the permit generally requires implementation of the pretreatment program in accordance with the approved program. For POTWs that have not yet submitted their pretreatment program modifications based on the required streamlining changes, please be aware that the failure to submit the program modifications could be considered a violation of your NPDES permit.

The report should continue to highlight POTW activities that go beyond the basic pretreatment implementation requirements. At a minimum, these activities will be credited towards the pretreatment measures for each facility. In addition, if there are aspects of your program that are innovative or especially helpful to your control of industrial discharges and you are willing to make a presentation regarding some or all of those activities at a future pretreatment conference or training, please note that in the report.

Upon submission, your report should contain the information described in the Pretreatment Performance Summary, the narrative described in Part B of the instructions, the attachments as requested in Parts A and B, and the influent, effluent, and sludge monitoring data as required by your NPDES permit. Please note that you may combine some of the required information such as the list of significant users and the list of issuance and expiration dates for significant user control documents. The report may also be submitted on a form of your choosing, provided it contains all the required information. We also request that you describe any special initiatives that have been undertaken in the last year (e.g., pollution prevention activities, etc.) in Part B.III (miscellaneous developments) of the report. In regard to the influent, effluent, and sludge monitoring data, you should have received an e-mail that included a spreadsheet for entry and submission of the data. We are requesting that the data be entered in the spreadsheet and the spreadsheet e-mailed to EPA or included in the report on a CD (for additional information please see item I.2 for Part B of the report on page 8 of this guidance). If you have any comments on the use of the spreadsheet, please let us know or include your comments in your report. Note that at this time, a paper copy of the spreadsheet tables for the influent, effluent, and sludge data must also be included in the paper copy of the annual report. It is also important that your e-mail address be included in the report since EPA has begun use of e-mail notification to POTWs for important developments in the pretreatment program.

For your submission to EPA, please send the annual report to the above address to the attention of your program contact shown in Appendix E of the report form. The mailcode for the Pretreatment Team is 3WP41. Please include "(3WP41)" after the person's name (e.g., Stephen Copeland (3WP41)) to help speed delivery. If you have any questions concerning completion of the annual report, please call your program contact.

PRETREATMENT PERFORMANCE SUMMARY

I. General Information

Control Authority Name:

Address:

City:

State:

Zip+4:

Contact Person:

Contact Title:

Contact Telephone Number:

E-mail Address:

NPDES Nos:

Permit Issuance Date:

Expiration Date:

Reporting Period:

Total Categorical IUs (CIUs):

Total "Middle Tier" CIUs (MTCIUs):

Total Nonsignificant CIUs (NSCIUs):

Total Significant Noncategorical IUs (SNIUs):

II. Compliance Monitoring Program

1. No. of SIUs with current Control Documents..... _____
No. of SIU Facilities
2. Inspected..... _____
3. No. of SIU Facilities Sampled..... _____
4. No. of SIUs Submitting Self-Monitoring Reports..... _____

III. Significant Industrial User Compliance

1. No. of SIUs Violating a Compliance Schedule/No. On a Schedule..... /
2. No. of SIUs in SNC for the July to December Period..... _____
3. No. of SIUs in SNC At Any Time During Calendar Year..... _____
No. of SIUs in SNC That Were Also in SNC During the Previous Calendar
4. Year..... _____
No. of NSCIUs that Violated any Standards or
5. Requirements..... _____

IV. Enforcement Actions

1. Notices/Letters of Violation Issued to SIUs..... _____
2. Enforceable Compliance Schedules Issued to SIUs..... _____
3. Civil/Criminal Suits Filed..... _____
4. No. of SIUs from which Penalties have been Collected..... _____
Other Actions (sewer bans,
5. etc.)..... _____

I certify that the information contained in this report and attachments is complete and accurate to the best of my knowledge. (See Part B.V of the instructions)

Name of Authorized Representative (Print)

Title (Print)

Signature

Date

Instructions for Completion of the Pretreatment Annual Report

Part A - Pretreatment Performance Summary

I. General Information

1. Identifying information - complete all items; contact name should be the person that is to receive mailings from EPA (annual report guidance, training announcements, etc.); NPDES Nos. should include permit numbers for all treatment plants for which the control authority holds NPDES permits, even if one or more of the treatment plants does not receive industrial waste. Please include your 9 digit zip code.
2. Reporting Period - unless otherwise specified in your NPDES permit, this should be January 1 through December 31, 2013.
3. Total Categorical IUs (CIUs) - the number of industrial users that have the potential to discharge process waste included in one of the categories and the definition listed in Appendix A. This number should include any "Middle Tier" CIUs and any Nonsignificant CIUs, and should reflect the number of users discharging as of the end of the reporting period.
4. Total "Middle Tier" CIUs (MTCIUs) - the number of CIUs that the POTW has designated as "Middle Tier" CIUs. To be designated as a "Middle Tier" CIU, the facility must meet all of the following conditions: (1) discharge less than 5000 gpd, (2) discharge less than 0.01% of the design dry weather capacity of the POTW, (3) discharge less than 0.01% of the design dry weather organic treatment capacity of the POTW, (4) discharge less than 0.01% of the MAHL for any pollutant for which an MAHL has been developed and that is regulated by an applicable categorical standard, and (5) has not been in SNC at any time for at least the last two years. This should reflect the number of users discharging as of the end of the reporting period. Note that POTWs are not required to designate any users as "Middle Tier" CIUs, even if they meet the criteria. However, before designating any users as MTCIUs, the POTW must revise its approved program and obtain approval from EPA.
5. Total Nonsignificant CIUs (NSCIUs) - the number of CIUs that the POTW has designated as Nonsignificant CIUs. To be designated as a Nonsignificant CIU, the facility must (1) never discharge more than 100 gpd of categorical wastewater, (2) never discharge any untreated concentrated wastes, (3) have consistently complied with all categorical standards and requirements (note that this is consistent compliance with all requirements, including reporting, rather than

simply not having been in SNC), and (4) submit the required annual certification.

This should reflect the number of users discharging as of the end of the reporting period. Note that POTWs are not required to designate any users as Nonsignificant CIUs, even if they meet the criteria. However, before designating any users as NSCIUs, the POTW must revise its approved program and obtain approval from EPA.

6. Total Significant Noncategorical IUs (SNIUs) - the number of significant industrial users that are not subject to categorical standards. This should reflect the number of users discharging as of the end of the reporting period.
7. Attachments for Section I
 - List of categorical users (list alphabetically), facility address and applicable category. Identify which CIUs, if any, have been designated as "Middle Tier" CIUs or Nonsignificant CIUs. For each user identified as a "Middle Tier" or Nonsignificant CIU, provide justification for the designation showing how the user meets each of the criteria listed above (user flow, % of POTW flow, % of MAHL, etc.). As noted above, the POTW's approved pretreatment program must be revised and approved before the POTW may designate any CIUs as middle tier or nonsignificant. The listed address should be the local facility address and not the corporate headquarters or other mailing address outside of the service area.
 - List of significant noncategorical users (list alphabetically) with facility address. The listed address should be the local facility address and not the corporate headquarters or other mailing address outside of the service area.
 - Changes (additions/deletions) from the most recent industrial listing (original program submission or last year's annual report whichever is more recent) with the reason for the change. Please indicate the month (and year if not 2013) that any new facilities began discharge, and the month (and year if not 2013) that any closed facilities ceased discharge.

II. Compliance Monitoring Program

1. Provide the number of SIUs with current individual or general control documents (permit or equivalent). Include control documents issued to all SIUs, not only those that have been issued and/or expired during the calendar year. The number of control documents issued does not include those whose expiration date has passed and have not been reissued, nor those whose expiration date has passed and have been administratively extended. General permits may not be issued unless the POTW's approved pretreatment program has been amended to authorize general permits and the revisions approved.
2. Provide the total number of SIU facilities inspected by the control authority

during the reporting period. For purposes of the Pretreatment Performance Summary, multiple inspections of the same facility count as one facility inspected.

3. Provide the number of SIU facilities sampled by the control authority during the reporting period. For purposes of the Pretreatment Performance Summary, multiple sampling visits at the same facility count as one facility sampled.
4. Provide the number of SIU facilities that submitted all required self-monitoring reports during the calendar year. For purposes of the Pretreatment Performance Summary, multiple reports submitted by one facility count as one facility reporting.
5. Attachments for Section II

- List of issuance, effective, and expiration dates for all significant user control documents. **Where a permit has expired before the end of the reporting year and was not reissued, provide an explanation of why the permit was not reissued.** For any permits that are expired as of the end of the reporting year but have been administratively extended, list the actual expiration date and note the fact that the permit has been extended. Also describe how the user was informed that the permit was extended (e.g., letter).

- For each general control mechanism that has been issued, provide the names of all SIUs covered by the general control mechanism and an explanation of how the users meet the criteria under 40 CFR 403.8(f)(1)(iii)(A) for issuance of a general control mechanism.

- Provide a list of all CIUs for which the POTW has assigned mass-based limits in place of concentration-based categorical limits. CIUs should not be listed here if mass-based limits were assigned in addition to concentration-based categorical limits, or if mass limits were assigned based on production based categorical standards. CIUs subject to categorical standards that require mass-based limits in place of concentration-based categorical limits (such as Organic Chemicals) should also not be listed here. The POTW's approved pretreatment program must be revised and approved before the POTW may assign mass-based limits in place of concentration-based categorical limits.

- Provide a list of all CIUs for which the POTW has assigned concentration-based limits in place of mass-based categorical limits. CIUs should not be listed here if concentration-based limits were assigned in addition to mass-based categorical limits, or if concentration limits were assigned based on production based categorical standards. The only categorical standards that require mass-based limits are the Organic Chemicals Manufacturing standards, the Petroleum Refining standards, and the Pesticides Manufacturing standards. The POTW's

approved pretreatment program must be revised and approved before the POTW may assign concentration-based limits in place of mass-based categorical limits.

- Provide a list of all CIUs for which a monitoring waiver for one or more categorically regulated pollutants has been granted for pollutants not present in accordance with 40 CFR 403.12(e)(2). For each user listed, provide the pollutant(s) for which the monitoring waiver was granted, and the date of the last POTW sampling event for each of those pollutants. The pollutants not present waiver may not be used unless the POTW's approved pretreatment program has been amended to authorize these waivers and the revisions approved.

- For each SIU, provide the number of sampling visits and the number of inspections conducted by the POTW, and the number of self-monitoring events conducted and the number of self-monitoring events required for each user. For any CIU designated as a "Middle Tier" CIU, provide the date of the last POTW sampling and the date of the last POTW inspection of the facility. With the exception of CIUs designated as "Middle Tier" (minimum of annual self-monitoring) and Nonsignificant (minimum of annual compliance certification), all categorical and significant noncategorical users must submit semi-annual self-monitoring reports (at a minimum) unless the POTW has chosen to conduct the sampling itself. Please specify if the POTW conducts all sampling for any of the users and does not require self-monitoring.

- List of facilities, including "Middle Tier" CIUs, not inspected during the reporting period and the reason for not inspecting them.

- List of facilities, including "Middle Tier" CIUs, not sampled during the reporting period and the reason for not sampling them.

- List of facilities, including "Middle Tier" and Nonsignificant CIUs, submitting less than the required number of self-monitoring reports during the year and the reason for less than the minimum reporting.

III. Significant Industrial User Compliance

1. Provide the number of significant users violating their formal compliance schedule and the number on a formal compliance schedule as of the report end date. A user is considered to be on a formal compliance schedule if there is a schedule contained in an order, agreement, or other similar enforceable mechanism, which provides specific dates by which the user will achieve compliance. A letter from a user providing a compliance schedule is not considered a formal schedule even if the POTW has provided written acceptance of that schedule.
2. Determine significant noncompliance (SNC) for each significant industrial user.

See Appendix B to these instructions for the definition of SNC (note that the definition was changed on October 14, 2005) and Appendix C for guidance on calculating SNC. Unless the POTW has revised its SNC definition to include the 45 day time period for reporting, it must still determine SNC based on the 30 day time period. Even where the definition has been changed and approved by EPA, the SNC evaluation must be based on the 30 day time period for the time prior to the POTW revision. Provide the number of significant users in SNC for the July through December six month period. Users that fail to submit a report that is due December 31 are not in SNC until January 30 (or February 14), 30 days (or 45 days) after the due date (i.e., not within the July to December period). In addition, users that have caused pass through or interference are considered to be in SNC. Users that are in SNC but are on formal compliance schedules should be reported as in SNC.

3. Provide the total number of significant users in SNC at any time during the reporting year. Note that to determine SNC for the 2013 calendar year, monitoring data (both POTW monitoring and industry self-monitoring) for the period October 2012 through December 2013 must be used.
4. Provide the total number of significant users in SNC at any time during the reporting year that were also in SNC at any time during the previous reporting year. Users should be reported here even if the SNC violations for the two years were not the same (e.g., different pollutants). Users that are reported for this year solely because they were in SNC for the October 2012 to March 2013 period and based solely on violations which occurred during October, November, or December 2012 need not be included in this “repeat” SNC count, but an explanation should be included.
5. Provide the total number of users previously designated as Nonsignificant CIUs that have violated any pretreatment standard or requirement during the reporting year. Note that in order to continue to be designated as a Nonsignificant CIU, the user must consistently comply with all applicable categorical standards and requirements, including the requirement to timely submit its annual certification or other reports required by the POTW.
6. Attachments for Section III
 - List of significant users in SNC at anytime during the reporting period and reason for SNC (limits violation, failure to sample or report, etc.). Include parameters in violation, which evaluation period(s) the user was in SNC (i.e., October to March, January to June, April to September, July to December), actions planned or taken by the control authority to obtain compliance, and compliance status as of the report end date. For new users, the evaluation of significant noncompliance for effluent violations should begin with the first period in which the user was discharging for at least three months. For example,

if a new user begins discharge on May 1, significant noncompliance would not be evaluated for the January through June period (discharge for only two months), but would be evaluated for the April through September period (discharge for five months).

- List of facilities that were in SNC for this reporting year that were also in SNC for the last reporting year.

- List of users previously designated as Nonsignificant CIUs that have violated any pretreatment standard or requirement during the reporting year.

- Copy of newspaper listing of SIUs in SNC during the calendar year. If a copy of the actual newspaper listing is not available at the time of submission of the report, it must be submitted when it becomes available. The newspaper publication for calendar year 2013 should not be submitted later than June 30, 2014.

IV. Enforcement Actions

1. Provide the number of written notices/letters of violation issued to significant industrial users during the reporting year.
2. Provide the number of administrative orders (or equivalent formal enforcement actions) issued to significant industrial users during the reporting year. Administrative orders include any non-judicial document which establishes an enforceable compliance schedule such as written compliance agreements or similar enforceable documents. For the Pretreatment Performance Summary, include only the number of administrative orders (or equivalent formal enforcement actions) issued during the reporting year.
3. Provide the number of civil and criminal suits filed in court during the reporting year.
4. Provide the number of significant users from which penalties have been collected during the reporting year. Do not include surcharges as penalties.
5. Provide the number of enforcement actions taken by the control authority during the reporting year which are not included in items 1 through 4. "Other actions" can include sewer bans, permit revocations, show cause hearings, etc.
6. Attachments for Section IV
 - List of significant users that have received written notices/letters of violation and the number of written notices issued to each user during the reporting period. If a document includes a notice of violation and an enforceable compliance

schedule, it should be considered an administrative order and not a notice of violation. A requirement to respond to a notice of violation would not be considered an enforceable compliance schedule.

- List of significant users that have received administrative orders (or equivalent enforceable compliance schedules) and the number of orders issued to each user during the reporting period. For the attachments, include orders issued in the first quarter after the reporting period if issued prior to the annual report due date and issued for violations that occurred during the reporting year. For each compliance schedule, provide the name of the user, the date the schedule was issued, the type of schedule (order, compliance agreement, permit schedule, etc.), the reason for the schedule, the date by which the user is required to achieve compliance with applicable standards and requirements, the current status of compliance with the dates in the schedule, and whether the user is expected to achieve compliance by the final compliance date.
- List of significant users on compliance schedules that are in writing but are not considered "formal" schedules, the reason for the schedule, the final compliance date, and the current status.
- List of users that have been sued (civil or criminal) for pretreatment violations. For each suit, provide the date the suit was filed, the reason the suit was filed, and the current status.
- List of significant users assessed penalties, the amount assessed, the amount collected, and the reason for the penalty. In addition, indicate whether penalties assessed during previous calendar years but shown as not collected in the 2012 annual report have now been collected.
- Description of all actions which have been included as administrative orders.
- Description of any "other actions".
- List of SIUs that had SNC violations but were not subject to enforcement, and the reason for no action.

Part B - Pretreatment Developments

I. Summary of POTW Operations

1. Provide a brief explanation for any NPDES permit violations. Describe any interferences, upsets or POTW permit violations, (both effluent and sludge) which are or may be attributable to industrial wastes, and actions taken to alleviate said events, including any incidents for which the source could not be identified. Also describe any instances of problems in the collection system (e.g., corrosion, fire or explosive hazards, sewer blockages) that are or may be attributable to industrial wastes.
2. As required by your NPDES permit(s), submit all data on sampling and analysis of POTW influent, effluent and sludge for priority pollutants (and other pollutants for which local limits or influent, effluent or sludge goals exist such as BOD and TSS) collected during the reporting period, including the required priority pollutant scans, **including any additional data such as priority pollutant scans conducted as part of the NPDES permit application process or data collected as part of the local limits reevaluation process.** *Effluent* data for conventional and non-conventional pollutants (such as BOD, total suspended solids, ammonia, **phosphorus, and nitrogen**) that is reported on the monthly DMRs need not be included in the pretreatment report, but the pretreatment report should include influent monitoring data for these pollutants and all monitoring data for toxic pollutants even where effluent data is reported on the DMRs. **Where influent sampling is conducted more frequently than monthly for the conventional and non-conventional pollutants (BOD, total suspended solids, ammonia, phosphorus, and nitrogen), report the monthly average for these pollutants in the annual report. For toxic pollutants, report all individual sample results. The report need not include information such as trip blanks, QA/QC data, chain of custody forms, or industrial user sampling data.** The report should discuss any sample results that exceed the applicable influent, effluent, or sludge goals for the facility including the known or potential causes of the exceedances along with any steps taken by the POTW to identify and address the causes of the exceedances. If you do not know your applicable influent, effluent and sludge goals, please refer to the monitoring data spreadsheet that you received from EPA or call your contact listed in Appendix E. If possible, influent, effluent, and sludge monitoring data should be entered in the spreadsheet provided by EPA, with non-detectable results listed with a "<" in front of the detection (or reporting) limit reported by the lab (e.g., <0.005 mg/l). Priority pollutant scan results (other than those pollutants that are listed in the spreadsheet) should not be included in the spreadsheet, but must be included in the report. Where influent samples are taken at more than one sample point because there is no single sample point that includes the total influent, the results from the separate sample points should be averaged on a flow weighted basis before being included in the spreadsheet. Where split samples are taken at the

same sample point, the results should also be averaged before being included in the spreadsheet (see instruction for the spreadsheet that should have been received with the spreadsheet). Whenever a result is an average of two or more samples, a note should be included in the report (not the spreadsheet) explaining how the reported result was obtained. Sludge data must be reported as mg/kg dry weight and influent and effluent results must be reported in mg/l in the spreadsheet. Please note that TCLP results do not satisfy the priority pollutant requirement for sludge monitoring and should not be included in the spreadsheet. The spreadsheet containing the influent, effluent, and sludge monitoring data should be e-mailed to your EPA contact or included in the report on a CD. In addition a paper copy of the influent, effluent, and sludge data tables from the spreadsheet must be printed and included in the paper copy of the report. Lab sheets for any data included in the spreadsheet need not be included in the report.

3. Include a summary of any trucked or hauled wastewater accepted at the plant (or at other places within the collection system) including the source of the wastewater (domestic or industrial), the amount of wastewater received on a monthly basis, any controls imposed on the users, and the discharge point designated by the POTW for acceptance of such wastewater. For hauled wastes received from industrial users, provide the name of each industrial user, whether the user is a categorical, significant, or non-significant user, the average amount of waste hauled per discharge day (i.e., 100,000 gallons hauled during two days would be considered 50,000 gpd rather than averaged over the course of a month or year), and the steps taken by the POTW to determine and confirm the categorization of the user. Note that brine waste (wastes from oil and gas drilling) are considered industrial waste and should be included in the report with the same detail requested for hauled industrial wastes. Where brine waste is received at a centralized waste treater (CWT) that then discharges into the POTW system, the report should note how much brine is received at the CWT facility and the type of treatment in place at the CWT facility for the brine. If any of the brine is disposed of by the CWT other than to the sewer system, please note that. If no hauled waste is accepted and/or no brine waste is accepted (either directly or through a CWT), please specifically state this in the report. In addition, for users within the POTW's service area that haul wastewater somewhere other than the POTW, provide the name of the facility to which the wastewater is hauled, if known, and a brief description of the operations that generate the hauled wastewater. This information will be used to help ensure that the wastewater is appropriately regulated, especially if it is subject to categorical standards and hauled to another POTW.

II. Pretreatment Program Changes

Describe any changes made or planned in operating the program during the calendar year, including staffing, funding and local limits which have not been previously approved by EPA. Attach copies of any appropriate documents, such as ordinance amendments, which have not been previously submitted. If a program change has been submitted and no written response (e.g., letter or e-mail) has been received, please note this including the date of the submittal letter. In addition, include an update on the progress that has been made on the adoption of revised local limits or other legal authority if appropriate, and on the progress made to address any comments provided by EPA on previous submissions along with the time frame that the revised submission addressing the comments is expected to be provided to EPA.

III. Miscellaneous Developments

Describe any POTW facility changes which affect the program or other special concerns of the control authority, such as training needs and special assistance requirements. Also include a brief description of any special initiatives undertaken by the POTW such as pollution prevention activities.

IV. Signatory Requirements

The annual report must be signed by a principal executive officer, ranking elected official, or other duly authorized employee. A duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the pretreatment program, and a written authorization from the principal executive officer or ranking elected official must have been submitted prior to or with the annual report (40 CFR 403.12(m)).

APPENDIX A

Definition of "Categorical Industrial User"
Under the Pretreatment Program

A categorical industrial user (CIU) is an industry that discharges, or has the potential to discharge, process waste to a POTW which is covered by a specific numerical categorical standard (including a "no discharge" limitation), even if the IU is allowed to "certify" that it does not discharge that parameter. However, a discharger that has an NPDES permit for its process wastes but discharges normal domestic sewage to a POTW would not be considered a CIU as long as there is no reasonable potential for the user to discharge the categorical waste to the POTW. The POTW should, however, require this type of an IU to submit periodic reports that certify no discharge of categorical waste and perform a periodic inspection and sampling visit to confirm the discharge status.

Listed below are the 40 industrial categories that have specific numerical pretreatment standards. Please note that some of these categories have subcategories which do not contain limitations. One such category is Timber Products which has sixteen subcategories (A through P), but only 3 of these have specific pretreatment standards (F, G, H). Therefore, users that fall into subcategories A through E and I through P would not be considered CIUs.

	<u>Category</u>	<u>New Source Date¹</u>
1.	Aluminum Forming	11/22/82
2.	Battery Manufacturing	11/10/82
3.	Carbon Black Manufacturing (New Sources Only)	5/18/76
5.	Centralized Waste Treaters	1/13/99
5.	Coil Coating (Phase I)	1/12/81
6.	Coil Coating (Can Making)	2/10/83
7.	Concentrated Animal Feeding Operations (New Sources Only)	9/7/73
8.	Copper Forming	11/12/82
9.	Electrical & Electronic Components (Phase I)	8/24/82
10.	Electrical & Electronic Components (Phase II)	3/9/83
11.	Electroplating (Existing Sources Only)	8/31/82
12.	Fertilizer Manufacturing (New Sources Only)	12/7/73 (Subparts A - D) 1/16/76 (Subpart E) 10/7/74 (Subparts F - G)
13.	Glass Manufacturing (New Sources Only)	8/21/74

¹ A new source is a facility or installation from which there is a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards (see 40 CFR 403.3(k)).

14.	Grain Mills (New Sources Only)	12/4/73
15.	Ink Formulating (New Sources Only)	2/26/75
16.	Inorganic Chemicals Manufacturing (Phase I)	7/24/80
17.	Inorganic Chemicals Manufacturing (Phase II)	10/25/83
18.	Iron & Steel	1/7/81 (Subparts C - L ²) 11/18/02 (Subparts A - B) 12/27/00 (Subparts D ³ , M) 7/2/79 (Subpart C-1/21/87)
19.	Leather Tanning & Finishing	
20.	Metal Finishing	8/31/82
21.	Metal Molding & Casting	11/15/82
22.	Nonferrous Metals Forming	3/5/84
23.	Nonferrous Metals Manufacturing (Phase I)	2/17/83 (Subpart J-1/22/87)
24.	Nonferrous Metals Manufacturing (Phase II)	6/27/84
25.	Oil & Gas Extraction	2/17/95
26.	Organic Chemicals, Plastics & Synthetic Fibers	3/21/83
27.	Paint Formulating (New Sources Only)	2/26/75
28.	Paving and Roofing (New Sources Only)	1/10/75
29.	Pesticide Chemicals Formulating, Packaging & Repackaging	4/14/94
30.	Pesticide Chemicals Manufacturing	4/10/92
31.	Petroleum Refining	12/21/79
32.	Pharmaceuticals	5/2/95
33.	Porcelain Enameling	1/27/81
34.	Pulp, Paper & Paperboard	1/6/81 (Subparts A, C, D, F, G, I - L) 12/17/93 (Subparts B, E)
35.	Rubber Manufacturing (New Sources Only)	8/23/74
36.	Soap & Detergent Manufacturing (New Sources Only)	12/26/73 (Subpart Q) 2/20/75 (Subparts O,P,R)
37.	Steam Electric	10/14/80
38.	Timber Products	10/31/79
39.	Transportation Equipment Cleaning	6/25/98
40.	Waste Combustors	2/6/98

² Except semi-wet processes under Subpart D.

³ Semi-wet process

APPENDIX B

Definition of Significant Noncompliance

Any violation of pretreatment requirements (limits, sampling, analysis, reporting for and meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the industrial user is liable for enforcement, including penalties. However, there is a need to identify violations or patterns of violations by industrial users that are instances of significant noncompliance (SNC). This classification defines those users that the Control Authority must publish. It is also the basis for reporting on significant industrial user performance in the annual report. Instances of SNC are industrial user violations which meet one or more of the following criteria:

1. Chronic violations. Sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
2. Technical Review Criteria (TRC) violations. Thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits) multiplied by the applicable TRC.

For BOD, TSS, fats, oil and grease, $TRC = 1.4$

For all other pollutants except pH, $TRC = 1.2$

3. Any other violation(s) of a pretreatment standard or requirement that the Control Authority determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.
4. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
5. Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order by 90 days or more after the schedule date for starting construction, completing construction, and attaining final compliance.
6. Failure to provide reports for compliance schedules, self monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 45 days (30 days if a POTW program revision to include the new time frame was not approved by EPA) from the due date.
7. Failure to accurately report noncompliance.

8. Any other violation or group of violations, which may include a violation of Best Management Practices, that the POTW determines will adversely affect the operation or implementation of the pretreatment program.

For the first two criteria, SNC must be evaluated through the "rolling quarters" method using the six-month periods of October through March, January through June, April through September, and July through December. Appendix C shows a sample SNC calculation. Appendix D provides guidance on how to evaluate compliance with categorical standards that contain 4-day, monthly, or 30-day average standards.

All measurements taken in the appropriate six-month period must be used to determine a facility's SNC status. Therefore, all samples obtained through appropriate sampling techniques which have been analyzed in accordance with the procedures established in 40 CFR Part 136 must be used to determine whether the facility is in SNC. This includes POTW monitoring and IU self-monitoring. Where the POTW and/or IU have split samples resulting in two or more sample results for the same day, the sample results for that day should be averaged to obtain a single value to be used in the compliance evaluation. Samples that are collected on the same day but are not true split samples (e.g., side-by-side sampling or separate grab samples) would still be averaged for purposes of determining compliance with daily maximum and monthly average limits, but would be evaluated separately for instantaneous maximum limits. This assumes that all sample results have been determined to be equally valid. Any sample results that have been determined to be invalid because of sampling and/or analytical errors should be discarded.

For an industrial user that is in SNC, the Control Authority should: (1) report information to EPA as part of its annual report; (2) list the industrial user in the newspaper; and (3) address the SNC through appropriate enforcement action (including penalties where appropriate), or document in a timely manner the reasons for withholding enforcement.

If a facility has been determined to be in SNC based solely on violations that occurred in the first part of the first evaluation period (i.e., October to December of the previous calendar year) and the facility has had no other violations for that parameter for the January through March period, then the POTW is not required to republish the industrial user in the newspaper provided that the user was published in the previous year for those same violations.

APPENDIX C

Sample Significant Noncompliance (SNC) Calculation Based on Sample Results

A POTW in Slug County, Pennsylvania, has two significant industrial users: Fishkill Incorporated and Everacid Manufacturing. Both industries have copper, pH, and mercury limits only. Fishkill monitors semiannually, whereas Everacid samples monthly. Everacid also has a continuous pH monitor, so its results are listed as the number of hours each month that it exceeded the pH range. The results for October 2008 to December 2009 follow (to determine the compliance status of the industries for the first quarter in 2009, you need the results from the last quarter of 2008):

Fishkill		Sample Results for Each Month														
Param.	Limit	10/08	11/08	12/08	1/09	2/09	3/09	4/09	5/09	6/09	7/09	8/09	9/09	10/09	11/09	12/09
Cu	0.15		0.14						0.13						0.19	0.13
Hg	0.002		ND ⁴						ND ⁴						ND ⁴	ND ⁴
pH	6-9		10.0	8.0					8.0						10.0	8.0
Everacid		10/08	11/08	12/08	1/09	2/09	3/09	4/09	5/09	6/09	7/09	8/09	9/09	10/09	11/09	12/09
Cu	0.15	0.13	0.12	0.18	0.19	0.14	0.13	0.12	0.19	0.14	0.17	0.16	0.17	0.13	0.12	0.09
Hg	0.002	ND ⁴	0.003	ND ⁴	ND ⁴	ND ⁴	ND ⁴	ND ⁴	0.003	ND ⁴	ND ⁴	ND ⁴	ND ⁴	ND ⁴	0.003	ND ⁴
pH	6-9	200 ⁵	1005	1505	3305	2205	1105	2405	3205	1405	2205	2305	1605	1405	3405	2405

⁴ ND = not detected; detection limit for mercury is 0.0002 mg/l.

⁵ Number of hours in violation for the month.

Based on this data, we can determine the SNC status for each user:

Fishkill Incorporated

Data for the first evaluation period (from 10/1/08 - 3/31/09) consisted of one sampling event for pH copper and mercury, and one resample for pH. Copper and mercury were both under the limit, showing compliance. The only way for pH to show SNC is through the "chronic" qualification (i.e., if 66% or more of the sampling events show any level of exceedance, it would be considered SNC). Since only one of the events showed an exceedance (50% of the sampling events), the user is not in significant noncompliance for pH.

The second evaluation of 2009 (from 1/1/09 - 6/30/09), contained only one sampling event. Since none of the limits were violated, Fishkill would not be SNC for this period. The third evaluation (from 4/1/09 - 9/30/09) would yield the same results, since the same sampling event was the only one present for this six-month period.

The fourth evaluation (from 7/1/09 - 12/31/09), contains one sampling event and one resample. Mercury remained non-detect, and therefore showed compliance. One of two pH sampling events (50%) showed violations, which also does not constitute SNC. Copper, however, showed one of two events over the Technical Review Criteria (TRC) limit of 1.2 times the limit. If a parameter is violated 33% or more of the time by the TRC limit or more, it is considered SNC. Therefore, Fishkill would have remained out of SNC for all but the last evaluation period of 2009, at which point it was in SNC for copper violations.

Everacid Manufacturing

Regarding mercury, Everacid remained out of SNC for the entire year. Although there was a TRC violation for each six-month period, the five other clean samples for each of these periods keep the sample violation percentage below 33%, at 17%.

Concerning pH, the user stayed out of SNC for the year, as well. For the first quarter, the total number of hours recorded (assuming continuous discharge 24 hours each day each month) for the time period 10/1/08 to 3/31/09 was 4,392. The total hours spent in violation were 1,110. 1,110 divided by 4,392 comes to 0.25, or 25% of the time in exceedance. Since the chronic qualification requires 66% or more for SNC, this would not qualify as SNC. The evaluation is similar for the other six-month periods:

2nd Quarter 6 six-month period from 1/1/09 to 6/30/09 6 1,360 hrs. of violation = 31%

3rd Qtr. 6 six-month period from 4/1/09 to 9/30/09 6 1,340 hrs. violated = 30%

4,368 hrs. recorded

4th Qtr. 6 six-month period from 7/1/09 to 12/31/09 6 1,330 hrs. violated = 30%

4,416 hrs. recorded

For copper, the user was in SNC the first three evaluation periods and not SNC for the last one. Here is how the calculations went:

1st Quarter 6 six-month period from 10/1/08 to 3/31/09 6 $\frac{2 \text{ violations over the TRC limit}}{6 \text{ samples}} = 33\%$ (TRC SNC)

2nd Qtr. 6 six-month period from 1/1/09 to 6/30/09 6 $\frac{2 \text{ violations over TRC}}{6 \text{ samples}} = 33\%$ (TRC SNC)

3rd Qtr. 6 six-month period from 4/1/09 to 9/30/09 6 $\frac{1 \text{ viol. over TRC} + 3 \text{ violations under TRC}}{6 \text{ samples}} = 66\%$ (chronic SNC)

4th Qtr. 6 six-month period from 7/1/09 to 12/31/09 6 $\frac{3 \text{ viol. under TRC}}{6 \text{ samples}} = 50\%$ (not SNC)

Note: The 1st evaluation period had 1 sample result which equaled the TRC ($0.15 \times 1.2 = 0.18$). Sample results which exceed or equal the TRC are counted as TRC violations. For the 4th evaluation period, although three violations were detected, they were all under the TRC limit. To be considered SNC for violations under the TRC, there must be at least 66% of the samples in violation.

SNC Determination Summary

	Quarterly SNC Status (based on sample results only)			
Fishkill Inc.	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Copper	Not SNC	Not SNC	Not SNC	SNC
Mercury	Not SNC	Not SNC	Not SNC	Not SNC
pH	Not SNC	Not SNC	Not SNC	Not SNC
Everacid Manuf.	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Copper	SNC	SNC	SNC	Not SNC
Mercury	Not SNC	Not SNC	Not SNC	Not SNC
pH	Not SNC	Not SNC	Not SNC	Not SNC

Although the preceding sample calculation reviewed sample results, a final SNC determination must include review of the user's compliance with enforcement schedules, whether any pass through or interference was caused, whether required reports were sent in on time, etc. (see "Definition of Significant Noncompliance" in Appendix B).

For the above situation, although Everacid remained out of SNC in the last quarter based on the sample result calculation, they were put into SNC by Slug County after it was determined that a low pH slug caused corrosive damage in the collection system.

APPENDIX D

Average Limitations

Average Limitations

Categorical standards establish daily maximum limitations and, in most cases, also set maximum average limitations. The structure of these average limits varies among categories. For example, in the Electroplating category, there is a 4-day average, while the Metal Finishing category establishes a monthly average and the Pulp and Paper category establishes a 30-day average. These three types of averages apply to numerous industrial users.

Four-Day Average

In developing the Electroplating 4-day average, the Agency performed a statistical analysis that examined independent groups of 4 consecutive sampling days. Implementation of the Electroplating 4-day average calls for comparison of the standard with independent results from 4 consecutive sampling days. For the sampling days to be independent, each calculated 4-day average should not include sampling data used in another 4-day average. For example, if there were 11 days of sampling, samples 1, 2, 3, and 4 constitute a 4-day average; samples 5, 6, 7, and 8 produce the next 4-day average; and samples 9, 10, and 11 will have to wait until an additional sample is taken so that the next 4-day average can be calculated. These sampling days are not necessarily consecutive calendar days, but reflect the sampling frequency; namely, weekly sampling produces a 4-day average every 4 weeks, monthly sampling produces a 4-day average every 4 months, and semi-annual sampling produces a 4-day average every 2 years.

Monthly Average

A monthly average is used in the Metal Finishing category and many other categories, such as Porcelain Enameling, Coil Coating, Battery Manufacturing, Copper Forming, and Aluminum Forming. In developing these monthly averages, the Agency performed a statistical analysis based on a fixed number of samples being taken per month (10 for Metal Finishing). To implement these regulations, the average of the samples taken in a calendar month constitutes the monthly average and should be compared to the standard. This could mean a monthly average based on only 1 sample or as many as 31 sampling events. As stated in the preamble to the Metal Finishing rule, 48 CFR 32478 (July 15, 1983):

Although it is not anticipated that a monitoring frequency of 10 times per month will always be required, the cost of this frequency of monitoring is printed in the economic impact analysis to the metal finishing regulation. That frequency was selected because if facilities sample 10 times per month, they can expect a compliance rate of approximately 99 percent, if they are operating at the expected mean and variability. Plant personnel, in agreement with the Control Authority, may choose to take fewer samples if their treatment system achieves better long term concentration or lower variability than the basis for the limits, or if plant personnel are willing to accept a statistical possibility of increased violations.

30-Day Average

A 30-day average is considered a monthly average for purposes of the compliance determination. Therefore for any users subject to a categorical standard with a 30-day average, all sample results taken during a calendar month are averaged and the result is compared to the 30-day average limit.

Use of Split and Grab Samples In Determining an Average

Whether working with a 4-day, 30-day, or monthly average, all valid “daily” sample results must be used. A “daily” sample result would include all sample results obtained during a given calendar day or 24-hour period. If all sample results are collected using composite samples collected over a full 24-hour period, all of the sample results for the appropriate period (e.g., calendar month) would simply be averaged. However, if different collection techniques are used during the averaging period, special handling of the results may be necessary to properly determine the average. Where a single sample is split into two or more separate samples with the individual samples analyzed separately, all results for that set of samples would be averaged to determine the “daily” sample result for that day. Likewise, if a series of grab samples is taken during the course of a calendar day and each grab sample is analyzed separately, the results of those grab samples would be averaged to determine the “daily” sample result for that day. For example, a facility takes a 24-hour composite sample on May 10th, and then takes a series of 4 grab samples (analyzed separately) on May 20th. No other samples are taken during May. Rather than take the average of the five sample results, the four sample results from the grab samples taken on May 20th would be averaged and then this “daily” result would be averaged with the composite sample taken on May 10th.

APPENDIX E

Pretreatment Program Contacts

DC

DC WASA Lovell

DE

Bridgeville	Lovell	Seaford	Copeland
Kent Co.	Copeland	Selbyville	Copeland
New Castle Co.	Lovell	Wilmington	Lovell

PA

Adamstown	Lovell	Lower Bucks Co.	Copeland
Alcosan	Lovell	Lower Lackawanna	Copeland
Allentown	Copeland	Lower Perkiomen Valley	Copeland
Altoona	Lovell	Lyons Borough	Copeland
Ambler	Lovell	McKeesport	Lovell
Antrim Twp.	Copeland	Meadville	Copeland
Bally Boro	Ottinger	Mid-Cameron	Copeland
Bellefonte	Copeland	Milton	Copeland
Berwick	Lovell	Monaca	Lovell
Bethlehem	Lovell	Moon Twp.	Copeland
Bloomsburg	Ottinger	Morrisville	Copeland
Bradford	Lovell	Myerstown	Copeland
Bristol Twp.	Lovell	New Castle	Lovell
Bucks Co.	Copeland	New Kensington	Ottinger
Butler	Ottinger	Norristown	Copeland
Canonsburg-Houston*	Copeland	Northeast	Copeland
Carlisle	Copeland	Oakmont	Copeland
Catasauqua	Lovell	Penn Twp.	Lovell
Chambersburg	Ottinger	Pennridge	Lovell
Conshohocken	Lovell	Philadelphia	Lovell
Conway Borough	Copeland	Pine Creek	Lovell
Curwensville	Copeland	Pleasant Hills	Copeland
Delcora	Lovell	Pottstown	Copeland
Derry Twp.	Lovell	Punxsutawney	Lovell
Downingtown	Ottinger	Quakertown	Ottinger
DuBois	Lovell	Reading	Lovell
East Norriton-Plymouth	Lovell	Ridgway	Copeland
Easton	Ottinger	Schuylkill Haven	Copeland
Ellwood City	Ottinger	Scranton	Lovell
Ephrata	Lovell	Shamokin-Coal Twp.	Copeland
Erie	Lovell	Sharon	Copeland
Exeter Twp.	Copeland	Shippensburg	Lovell
Fleetwood	Lovell	Somersets	Copeland
Greater Hazleton	Lovell	Springettsbury	Copeland
Greater Pottsville	Copeland	St. Marys	Ottinger
Greater Uniontown*	Copeland	Sunbury	Lovell
Hamburg	Copeland	SW Delaware Co.	Ottinger
Hanover	Ottinger	Titusville	Copeland
Harrisburg	Copeland	Tyrone	Lovell
Hatfield	Copeland	University Area	Copeland
Hempfield Twp.	Copeland	Upper Allegheny JSA	Lovell
Hermitage	Copeland	Upper Gwynedd-Towamencin	Copeland
Hollidaysburg	Copeland	Upper Gwynedd Twp.	Copeland
Huntingdon	Copeland	Upper Merion	Copeland
Indiana	Lovell	Upper Moreland-Hatboro	Copeland
Johnstown	Lovell	Valley Forge	Copeland
Kennett Square	Copeland	Warminster	Ottinger
Kiski Valley	Lovell	Warren	Lovell
Lackawanna River Basin	Copeland	Washington-E. Washington	Copeland
Lancaster Area	Lovell	Wellsboro	Copeland
Lancaster City	Lovell	West Chester	Copeland
Latrobe	Ottinger	West Goshen Twp.	Ottinger
Lebanon	Copeland	Williamsport	Ottinger
Lock Haven	Ottinger	Wyoming Valley	Ottinger
Lower Allen	Ottinger	York	Ottinger

* program not approved yet

Contacts:

Steve Copeland (copeland.stephen@epa.gov) 215-814-5792

John Lovell (lovell.john@epa.gov) 215-814-5790

Liz Ottinger (ottinger.elizabeth@epa.gov) 215-814-5783